

Alex M. Giannetto, State Bar No. 259757
 agiannetto@bremerwhyte.com
 Darlene M. McIver, State Bar No. 216608
 dmciver@bremerwhyte.com
 BREMER WHYTE BROWN & O'MEARA LLP
 501 West Broadway
 Suite 1700
 San Diego, CA 92101
 Telephone: (619) 236-0048
 Facsimile: (619) 236-0047

Attorneys for Defendant,
 DAVIC INCORPORATED dba MOBY DICK BAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL STOKES,

Plaintiff,

vs.

MOBY DICK BAR,

Defendant.

Case No. 4:19-cv-05743-YGR

**STIPULATION RE: PLAINTIFF
 LEAVE TO AMEND
 COMPLAINT; [PROPOSED]
 ORDER THEREON**

Complaint Filed: September 12, 2019

TO THE HONORABLE COURT:

Plaintiff Michael Stokes ("Plaintiff") and Defendant Davic Incorporate dba Moby Dick Bar ("erroneously sued as "Moby Dick Bar") ("Defendant"), collectively referred to herein as "the Parties") hereby agree and stipulate as follows:

WHEREAS, this lawsuit, filed September 13, 2019, alleges damages caused by Defendant's unauthorized reproduction and public display of two copyrighted photographs of models owned and registered by Plaintiff, a California based professional photographer. Accordingly, Plaintiff seeks monetary relief under the Copyright Act of the United States.

WHEREAS, Defendant was served with the complaint on September 16, 2019, its responsive pleading was due no later than October 7, 2019.

///

1 **WHEREAS**, due to the Parties engagement in early settlement discussions,
 2 the Parties informally agreed and stipulated Defendant's responsive pleading would
 3 be due no later than October 14, 2019.

4 **WHEREAS**, while settlement negotiations continued and great progress was
 5 made, the Parties again informally agreed and stipulated to continue the date by
 6 which Defendant's responsive pleading would be due to October 31, 2019, then to
 7 November 7, 2019.

8 **WHEREAS**, on November 6, 2019, the parties met and conferred and,
 9 although currently at an impasse, agreed to continue with settlement negotiations and
 10 to formally stipulate to allow Plaintiff to file an amended complaint no later than
 11 November 8, 2019.

12 **WHEREAS**, Defendant's responsive pleading will be due within fourteen
 13 (14) days after service of the amended pleading, per F.R.C.P. Rule 15, or on or
 14 before November 30, 2019.

15 **WHEREAS**, with this stipulation and continued dates no prejudice will be
 16 suffered.

17 **THEREFORE**, the Parties agree and stipulate that Plaintiff should be granted
 18 leave to amend and file a first amended complaint no later than November 8, 2019,
 19 or within 3 business days of the Court's issuance of Order approving this Stipulation,
 20 whichever is later.

21 **SO STIPULATED:**

22 Dated: November 6, 2019

BREMER WHYTE BROWN & O'MEARA
 LLP

By: 

Alex M. Giannetto
 Darlene M. McIver
 Attorneys for Defendant
 DAVIC INCORPORATED dba
 MOBY DICK BAR

28 ///

1 Dated: November 6, 2019

LIEBOWITZ LAW FIRM, PLLC

2

3

4

5

By: _____/S/

6

Richard Liebowitz

7

Attorney for Plaintiff,

8

MICHAEL STOKES

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 MICHAEL STOKES,

12 Plaintiff,

13 vs.

14 MOBY DICK BAR,

15 Defendant.
16

) Case No. 3:19-cv-5743(YGR)

) **[PROPOSED] ORDER ON**
) **STIPULATION RE: PLAINTIFF**
) **LEAVE TO AMEND COMPLAINT**

) Complaint Filed: September 12, 2019

17 Based on the stipulation of the Parties, and good cause appearing, the Court
18 hereby **GRANTS** the Stipulation Re: Plaintiff Leave to Amend Complaint no later
19 than November 8, 2019, or within 3 business days of the Court's issuance of this
20 Order approving the Stipulation, whichever is later.

21 IT IS SO ORDERED.

22
23 Dated: November ___, 2019
24
25

26 _____
27 Honorable Yvonne Gonzalez Rogers
28 District Court Judge